5*THE HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

+W.P.NO.8254 OF 2004

%01-11-2007

#G.Gopala Krishna Murthy

… Petitioner

Vs.

$ Government of Andhra Pradesh, rep. by its
Secretary to Government, Municipal Administration
And U.D. Department, Secretariat Buildings, Hyderabad,
And others.

… Respondents

<GIST:

>HEAD NOTE :

! Counsel for petitioner: Smt.M.Sailaja

^ Counsel for respondents : Govt. Pleader for Municipal Administration

? CASES REFERRED :

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.8254 OF 2004

Between:

G.Gopala Krishna Murthy.

.... PETITIONER

AND

Government of Andhra Pradesh, rep. by its
Secretary to Government, Municipal Administration
And U.D. Department, Secretariat Buildings, Hyderabad,
And others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.8254 OF 2004

O R D E R

Petitioner, who was appointed as Standing Counsel for the third respondent Municipality made a representation that he also, as Standing Counsel for the third respondent is entitled to the remuneration as per G.O.Ms.No.118, Law (L), dated 28.06.1999 and G.O.Ms.No.187, Law (L), dated 06.12.2000. As no orders were passed on that representation, he filed W.P.No.7063 of 2003 seeking a direction to extend the benefits of the said G.O.Ms.No.118 and 187 to him. By the order dated 14.10.2003 a learned Judge directed the second respondent to clarify whether the said G.Os, relied on by the petitioner, are applicable to him or not within a period of one month from the date of receipt of a copy of that order. By the order impugned in this writ petition second respondent informed the petitioner that inasmuch as his appointment was made by the third respondent Municipality, he is not entitled to the amounts mentioned in G.O.Ms.Nos.118 and 187. Questioning the said communication, petitioner filed this writ petition.

2. The contention of the learned counsel for petitioner is that inasmuch as the above referred G.Os. apply to standing counsels for all the Government Departments, petitioner who also was appointed as Standing Counsel for the third respondent Municipality, he is entitled to the remuneration mentioned in the said G.Os, and so, the order informing the petitioner that he is not entitled to the benefits of those G.Os is unsustainable. The contention of the learned Standing Counsel for third respondent is that inasmuch as the petitioner was appointed in pursuance of the Rules issued in G.O.Ms.No.706, M.A., dated 03.08.1968 i.e. A.P. Municipalities (Appointment of Standing Counsels, Payment of Fees and Travelling Allowances and Procedure for filing of Appeals in Civil Cases) Rules, 1968, and as he was not appointed by the Government, and inasmuch as the G.O.Ms.No.118, dated 28-06-1999 and G.O.Ms.No.187, dated 06.12.2000 relied upon by the petitioner, relate to the Appointments of Law Officers by the Government, petitioner is not entitled to any relief.

3. Petitioner admittedly was appointed by the Council of the third respondent as per the Rules made in G.O.Ms.No.706, dated 03.08.1968, by following the procedure laid down therein, as the Standing Counsels for third respondent Municipality. So, the fees payable to him would be in accordance with those rules only.

4. G.Os.118 and 187 relied on by the petitioner relate to the Appointment of Government Pleaders, Public Prosecutors and Standing Counsels for other Corporations, made by the Government. Those G.Os. do not relate to or apply to the persons appointed as Standing Counsel for the Municipalities as per G.O.Ms.No.706, dated 03.08.1968. Since the appointment of petitioner was made by the third respondent as per G.O.Ms.No.706, which is still in force, and is not rescinded either

in G.O.Ms.Nos.118 or 187, clarification issued by the second respondent, which is impugned in this writ petition, needs no interference, and so, I find no merit in the writ petition.

5. However, since the petitioner states that the third respondent did not make any payment to him till now, third respondent shall pay the amounts due and payable to the petitioner as per G.O.Ms.No.706, dated 03.08.1968, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this order.

6. Therefore, the writ petition is disposed of with the above direction. No order as to costs.

JUSTICE C.Y.SOMAYAJULU

1st NOVEMBER, 2007

Note:

L.R.Copy to be marked.

(B/O)PGS